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International Court of Justice

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2383-PS	Book, Verfugungen/Anordnungen, Bekanntgaben, Vol. I, Central Press NSDAP (not dated). Contains Hitler's order of the 19th of January 1939 to the effect that the SA is charged with the responsibility of pre-military and post-military training in Germany and that the SA Sports Badge will be henceforth called the SA Military Badge, p. 586	4, 5, 23-24 25, 27

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SECTION OF INDICTMENT

The following sections of the Indictment pertain to the Sturmabteilung (SA) of the National Socialist German Labor Party:

COUNT ONE (H)

INDIVIDUAL, GROUP AND ORGANIZATION RESPONSIBILITY FOR THE OFFENSE STATED IN COUNT ONE

> ...Reference is hereby made to Appendix B of this Indictment for a statement of the responsibility of the groups and organizations named herein as criminal groups and organizations for the offense set forth in this Count One of the Indictment.

Appendix B of the Indictment contains the following:

> DIE STURMABTEILUNGEN DER NATIONALSOZIALISTISCHEN DEUTSCHEN ARBEITERPARTEI (COMMONLY KNOWN AS THE SA)
>
> "Die Sturmabteilungen der Nationalsozialistischen Deutschen Arbeiterpartei (commonly known as the SA)" referred to in the Indictment was a formation of the Nazi Party under the immediate jurisdiction of the Fuehrer, organized on military lines, whose membership was composed of volunteers serving as political soldiers of the Party. It was one of the earliest formations of the Nazi Party and the original guardian of the National Socialist movement. Founded in 1921 as a voluntary military formation, it was developed by the Nazi conspirators before their accession to power into a vast private army and utilized for the purpose of creating disorder, and terrorizing and eliminating political opponents. It continued to serve as an instrument for the physicial, ideological and military training of Party members and as a reserve for the German armed forces. After the launching of the wars of aggression, referred to in Counts One and Two of the Indictment, the SA not only operated as an organization for military training but provided auxiliary police and security forces in occupied territories, guarded prisoner-of-war camps and concentration camps and supervised and controlled persons forced to labour in Germany and occupied territories.
>
> Through its purposes and activities and the means it used, it participated in and is responsible for the commission of the crimes set forth in Counts One, Two, Three and Four of the Indictment.

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LEGAL REFERENCES

The Sturmabteilung is named in the Indictment as one of the groups or organizations "which should be declared criminal by reason of their aims and the means used for the accomplishment thereof and in connection with the conviction of such of the named defendants as were members thereof..." (Indictment, Paragraph II).

Authority for including groups and organizations in this manner is to be found in Article 9 of the Charter, which provides as follows:

> "Article 9.
>
> At the trial of any individual member of any group or organization the Tribunal may declare (in connection with any act of which the individual may be convicted) that the group or organization of which the individual was a member was a criminal organization.
>
> After receipt of the Indictment the Tribunal shall give such notice as it thinks fit that the prosecution intends to ask the Tribunal to make such declaration and any member of the organization will be entitled to apply to the Tribunal for leave to be heard by the Tribunal upon the question of the criminal character of the organization. The Tribunal shall have power to allow or reject the application. If the application is allowed, the Tribunal may direct in what manner the applicants shall be represented and heard."

Article 6 of the Charter provides that the following acts constitute crimes within the jurisdiction of the Tribunal:

> "(a) CRIMES AGAINST PEACE: namely, planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing;

"(b) WAR CRIMES: namely, violations of the laws or customs of war. Such violations shall include, but not be limited to murder, ill treatment or deportation to slavelabor or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction ofcities, towns or villages, or devastation not justified by military necessity;

"(c) CRIMES AGAINST HUMANITY: namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war; or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated."

Leaders, organizers, instigators, and accomplices participating in the formulation or execution of a common plan or conspiracy to commit any of the foregoing crimes, are responsible for all acts performed by any persons in execution of such plan.

Part V of the Treaty of Versailles - From Reichsgesetzblatt 1919

Germany was strictly to observe the following military, naval and air clauses:

Article 160

(1) After March 31, 1920, "the German Army must not comprise more than seven divisions of infantry and three divisions of cavalry.

"After that date the total number of effectives in the Army of the States constituting Germany must not exceed one hundred thousand men, including officers and establishments of depots. The Army shall be devoted exclusively to the maintenance of order within the territory and to the control of the frontiers.

"The total effective strength of officers, including the personnel of staffs, whatever their composition, must not exceed four thousand.

(3) . . . .

"The maintenance or formation of forces differemtly grouped or of other organisations for the command of troops or for preparation for war is forbidden.

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LIST OF DEFENDANTS WHO WERE MEMBERS OF SA, AND POSITIONS HELD THEREIN.

Hans Frank: Held position of Obergruppenfuehrer in SA. This position corresponds to rank of Lieutenant-General.

"Das Archiv," 8th November, 1937, p. 983.

Julius Streicher: Held position of Obergruppenfuehrer in SA. This position corresponds to rank of Lieutenant-General.

"Das Archiv," 8th November, 1937, p. 983.

Baldur von Schirach: Held position of Obergruppenfuehrer in SA. This position corresponds to rank of Lieutenant-General.

"Das Archic," 8th November, 1937, p. 983.

Fritz Sauckel: Held position of Obergruppenfuehrer in SA. This position corresponds to rank of Lieutenant-General.

"Das Archiv," 8th November, 1937, p. 983.

Alfred Rosenberg: Held position of Obergruppenfuehrer in SA. This position corresponds to rank of Lieutenant-General.

OSS Research and Analysis Branch, Biographical Report.

Martin Bormann: Member of Staff of SA High Command from November, 1928, to August 193-.

"Voelkischer Beobachter," 18th June, 1940, p. 2.

Hermann Wilhelm Goering: Organizer and former Commander of SA, and Obergruppenfuehrer of the Feldherrnhalle Regiment of SA. A statement of acts in furtherance of the conspiracy performed by the Defendant Goering in his capacity as SA leader and member appears at p. 31 of this brief.

Rudolf Hess: Became member of SA in 1921 and participated in Munich Hofbrauhaus Riot of November, 1921, at which time the SA received its name.

2760-PS: Hitler, "Mein Kampf," p. 544 (p.3 of English translation).

In 1922 Hess was named leader of the 11th "Hundertschaft," an SA group in Munich composed principally of students.

2168-PS: Bayer, "Die SA", (p.2 of English translation).

Further evidence of the activities of the foregoing Defendants is set forth in the briefs relating to their individual participation in the conspiracy.

INTRODUCTORY STATEMENT

It will be the purpose of this brief to establish the following:

1. That the Sturmabteilung (herafter referred to as "SA") was a group or organization composed of members bound together by common objectives, activities and philosophies, and by uniform standards of membership and disciplinary regulations.

2. That SA and its members participated in and aided in the carrying out of the conspiracy alleged and described in Count I of the Indictment.

3. That among the defendants on trial are included individual members of SA who, in their capacity as members thereof, committed acts defined as crimes in Article 6 of the Charter.

NATURE OF SA AS A GROUP OR ORGANIZATION

The SA was recognized by German law as an "organization", having a distinct and separate legal character. In March 1935, an ordinance was promulgated declaring that SA and certain other agencies were thereafter to be considered "components" of the Nazi Party, and providing further that (Article 5):

> 1) The affiliated organizations can possess their own legal character.

1725-PS: Ordinance on Enforcement of the Law for Securing the Unity of Party and State. 1935 RGBl I, p. 502.

Similarly, the Organization Book of the Nazi Party characterizes the SA as an "entity", as follows:

> "The Fuehrer prescribes the law of conduct, he commands its use. The Chief of Staff represents the SA as a complete entity on the mandate of the Fuehrer."

3220-PS: Excerpt from Organisationsbuch der NSDAP, 1943 edition, p. 356.

Moreover, it will be clear, from evidence discussed in subsequent section of this brief, that the SA was composed of individuals, designated as "members", who were closely bound and associated together by many common factors, including the following:

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Uniform membership standards and disciplinary regulations;

A common and distinctive uniform;

Common aims and objectives;

Common activities, duties, and responsibilities;

A common philosophy and ideology.

To this effect the Organization Book of the Nazi Party declares that while membership in the SA was, at all times, on a voluntary basis, it was dependent upon adherence to the views, and complete fulfillment of the duties and responsibilities imposed thereby.

2354-PS: Organisationsbuch der NSDAP, (1938 edition, p. 337, p. 7 of translated excerpt).

Cohesion among the members of SA was effectuated principally by a strict assignment of responsibility and authority, and the imposition of rigid discipline, in accordance with the "chain of command" technique employed in military organizations. (See p. [illegible] infra). In addition, uniformity of views and attitudes among members was attained by the publication of a weekly periodical entitled "Der SA-Mann", which was devoted largely to creating and fostering the various aspects of Nazi ideology. This publication and a number of the articles which appeared in it are discussed at some length hereinafter.

The SA extended over the whole Reich territory, and was "organized" into local groups. There were, in addition, a number of special units, including Marine, Cavalry, Communications, Engineer, and Medical Units. These local groups were coordinated by the Supreme SA Headquarters, in Munich, consisting of the operational staff, main offices, and divisions. The operational staff was responsible for the entire "organization" and branches of SA, and for its employment as an instrument of the Party. The various divisional offices -- e.g., Health, Education, Personal Affairs, Liaison, Press and Propaganda -- were coordinated through the Headquarters Office.

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2168-PS: Pamphlet entitled "The SA," written by SA Sturmfuehrer Ernst Bayer, upon orders from SA Headquarters, (p. 7-15 of English translation).

RELATIONSHIP OF SA TO THE NAZI PARTY AND TO THE CONSPIRATORS.

At all times during the period of its existence a close relationship was maintained between the SA and the leaders of the Nazi Party, including particularly certain of the principal conspirators. This relationship, as will be demonstrated, took the form, on the one hand, of direction and supervision by the Nazi leaders, and, on the other hand, of blind obedience to such direction. Such a relationship, in itself, constitutes convincing circumstantial evidence of participation by SA in the conspiracy alleged in Count I of the Indictment.

Three of the principal conspirators were SA members and leaders. Hitler himself created the SA in 1921, during the initial stages of the conspiracy. He at all times retained command of the organization, but delegated responsibility for its immediate direction to a chief of staff. The defendants Goering and Hess were likewise early leaders of SA, and Goering, in particular, maintained a close affiliation therewith throughout the course of the conspiracy (<u>infra</u>, p. 31).

The close affiliation between the SA and leaders of the Nazi Party is demonstrated by the fact that the Nazi Leadership Corps (Hoheitstrager) was authorized to call upon the SA for assistance in carrying out particular phases of the Party program. Thus,

> "The Hoheitstrager is responsible for the entire political appearance of the movement within his zone. The SA leader of that zone is tied to the directives of the Hoheitstrager in that respect.
>
> The Hoheitstrager is the ranking representative of the Party to include all organizations within his zone. He may requisition the SA located within his zone from the respective SA leader if they are needed for the execution of a political mission. The Hoheitstrager will then assign the mission to the SA ...
>
> Should the Hoheitstrager need more SA for the execution of political mission than is locally available, he then applies to the next higher office of sovereignty which, in turn, requests the SA from the SA office in his sector."

1393-PS: Organisationsbuch der NSDAP, (1943 edition, p. 71.)

And in 1941 it was similarly provided:

> "The leaders of affiliated organizations as well as the leaders of the party women's organization are subordinated to the sovereign bearer (Hoheitstrager) politically, functionally, disciplinarily, and personally.
>
> - - - - - - - - - - - - - - - - - - -
>
> The formations of the NSDAP, with exception of the SS, for whom special provisions apply, are subordinated to the sovereign bearer (Hoheitstrager) politically and in respect to commitment. Responsibility for the leadership of the units rests in the hands of the unit leader."

2383-PS: Ordinance for execution of Hitler decree. Verfugungen, Anordnungen, Bekanntgaben Vol. 1.. (p. 3 of translation).

It was in accordance with such authority that SA was used in the seizure of trade union properties (see infra p. 19).

Similarly, SA participated, on behalf of the Party, in national elections, standing "at the foremost front of election fights."

2160-PS: Pamphlet, The "SA" (p. 4 of English translation).

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And, in turn, the strictly confidential Party publication, "Der Hoheitstrager" was distributed to SA officers.

2660-PS: Copy of distribution plan of "Der Hoheitstrager" from February 1939 issue.

Thus, as declared by Victor Lutze, former Chief of Staff of SA,

> "The SA cannot be independent of the National Socialist Movement, but can only exist as a part of it."

2471-PS: Pamphlet entitled "The Nature and Tasks of the SA." Published by Central NSDAP Press, 1938, Munich. (p. 1 of English translation).

Further evidence of the interest and participation of Nazi leaders in the activities of SA is to be found in the issues of "Der SA-Mann", throughout which appear many articles written by Nazi leaders, as well as photographs portraying their participation in SA activities. A list and brief description of such photographs, with volume and page references to "Der SA-Mann" appears in the document book submitted with this brief, at page 22 of Document 2660-PS. This list is not exhaustive, but is typical of many similar photographs appearing throughout the issues of the publication.

The relationship between the SA and the Nazi Party is similarly demonstrated by provision for SA participation in the Nazi-controlled state. Thus, in the "Law on Securing the Unity of Party and State" it was provided:

> "The Deputy of the Fuehrer and the Chief of Staff of SA become members of the Reich Government in order to insure close cooperation of the offices of the Party and SA with the public authorities."

1393-PS: Law on securing the unity of Party and State. 1933 Reichsgesetzblatt, Part I, p. 1016.

And the Hitler decree providing for supervision of pre-military training by the SA (see infra, p.23) provided:

> "The offices of the Party and State are to support the SA in this training program and to value the possession of the certificate for the SA military insignia."

2383-PS: Ordinance for Execution of Hitler Decree. Verfuegungen, Anordnungen, Bekanntgaben Vol. I (p. 11 of English translation).

That the Nazis at all times possessed complete control of the SA is shown by the so-called "Roehm Purge" of June 1934. Roehm had been Chief of Staff of SA for several years, and was responsible for the development of SA into a powerful organization, with definite programs and objectives. Members of SA were required to take a personal oath of fidelity to him. But when his policies conflicted with those of the Nazi leaders, he was removed and murdered, and was replaced by Victor Lutze. This drastic action was accomplished without apparent revolt of dissension in the ranks of the SA, and with no change in the objectives or program of the organization. The SA remained "a reliable and strong part of the National Socialist Movement ... full of obedience and blind discipline," whose function was to "create and form the new German citizens."

2407-PS: Excerpts from Voelkischer Beobachter, 1 July 1934, p. 1.

The importance of the SA in the Nazi plan for the utilization of the people of Germany is shown in Hitler's pronouncement "The Course for the German Person." This provides:

> "The boy, he will enter the Young Volk, and the lad, he will enter the Hitler Youth, the young men will go into the SA, into the SS, and into other units, and the SA men and the SS men will one day enter the labor service and from there to the army, and the soldier, and the soldier of the Volk will return again into the organization of the Movement, the Party, in the SA and SS and never again will our Volk decay as it once was decayed."

2050-PS: "Der SA-Mann" for 5 September 1936, p. 22. (P. 29 English translation).

PARTICIPATION OF SA IN THE CONSPIRACY ALLEGED IN COUNT I OF THE INDICTMENT

The activities and functions of the SA may be logically classified into four distinct phases, each of which corresponds with a particular phase in the progression of the conspiracy toward its objectives, as alleged in the Indictment. These phases are as follows:

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1. The use of S. and its members as the Instrument for the dissemination of the ideology and fanaticism of the Nazis throughout Germany;

2. The use of S. as a militant and aggressive group of street fighters of "gangsters", whose function was to combat -- physically and violently -- all opponents of the Party;

3. The use of S. to carry out various programs designed to consolidate Nazi control of the German State, including the dissolution of the trade unions, the persecution of the church, and the Jewish persecutions;

4. The use of S. as an agency for the building up of an armed force in Germany in violation of the Treaty of Versailles and for the preparation of the youth of Germany for the waging of aggressive warfare.

These functions of S. are discussed hereinafter in the order set forth above.

The use of S. to Disseminate Nazi Ideology.

One of the most important tasks of S. was that of disseminating among the people of Germany the doctrines and ideologies, acceptance of which was necessary for the fulfillment of the Nazi objectives. From the very start the Nazi leaders emphasized the importance of this mission. As will appear hereinafter, the S. undertook many duties and responsibilities during the period of its existence; but one responsibility which remained constant throughout was that of being the propagandist of the National Socialist ideology. Thus Hitler in "Mein Kampf"* declares:

> "As the directing idea for the inner training of this Sturmabteilung, the intention was always dominant, aside from all physical education, to teach

*The pronouncements of Mein Kampf constituted the basic philosophy of the S.. Thus, the Organization Book of the Party, referring to the training of the S., declares:

> "The training and rearing upon the basis of the teachings and aims of the Fuehrer, as they are put down in "Mein Kampf and in the Party program for all spheres of our life and our National Socialist ideology".

2354-PS: Organisationsbuch der NSDAP (1938 edition) p. 367 (p. 1 of English translation).

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> it to be an unshakable, convinced defender of the National Socialist idea ....."

2760-PSP Hitler, Mein Kampf, p. 603 (p. 5 of English translation).

Thus, the Organization Book of the Nazi Party declares that the S. is "the training and rearing instrument of the Party."

2354-PS: Organisationsbuch der NSDAP 1938 edition, p. 365 (p. 1-2 of English translation).

Similarly, a writer in "Der S.-Mann", in an article entitled "The S. man in the New State" (6 January 1934, p. 1) declares that the purposes of S. were:

> "First, to be the guaranty of the power of the National Socialist State against all attacks from without as well as from within,
>
> Second, to be the high institute of education of the people for the living National Socialism".

3050-PS: Excerpts from "Der S.-Mann" (p. 25 of English translation).

This function of S. - as the propagandist instrument of the Party -- was recognized by law in 1933, in the Law on Securing the Unity of Party and State, it being provided therein that:

> "The members of the National Socialistic German Labor Party and the S. (including their subordinate organizations) as the leading and driving force of the National Socialist State will bear greater responsibility toward Fuehrer, people and State."

1395-PS: 1933 Reichsgesetzblatt, p. 1016.

The activities of the S. in its role of propagandist agency are photographically displayed at various pages in the volumes of "Der S.-Mann." For example, in the issue of 24 August 1935, at page 3, there appears a group picture of S. men on trucks, bearing large signs, one of which reads: "Read the Stuhrmer and you will know the Jew." On the same page there is a photograph of what appears to be public S. rally with a large poster displayed reading: "He who knows the Jew knows the Devil."

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A particularly important phase of the function of SA as the propagandist agency for the Nazi Party consisted of the mental preparation of the German people for war. At all times, but especially during the period from 1933 to 1939, SA leaders emphasized to SA members the duty and responsibility of creating and fostering a militaristic spirit throughout Germany. In 1933 Hitler established the SA sports program (see infra p.22) and the SA was to be "commissioned to obtain an increase of and preservation of a warlike power and a warlike spirit as the expression of an aggressive attitude."

2168-PS: Pamphlet, The "SA" (p. 6 of English Translation).

The sports program was renewed by Hitler in 1937, at which time it was declared to be a "means for the aggressive training of the body, for the fostering of a military spirit, for the retaining of military efficiency and thereby as a basis for German military power...." (underlining supplied) "Der SA-Mann", 3 July, 1937, p. 12.

3050-PS: P. 12 of English translation.

To the same effect the Organization Book of the Nazi Party characterizes the function of the SA as follows:

> "While the political organization of the NSDAP has carried out the political leadership, the SA is the training and education instrument of the Party for the realization of the world-philosophical soldier-like attitude.
>
> "Consequently, the young German in the SA is being inculcated in the first instance from the standpoint of world philosophy and character, and trained as the bearer of National Socialist armed will."

3220-PS: Excerpt from Organisationsbuch der NSDAP, 1943 edition, p. 358.

Similarly, Lutze, the Chief of Staff of the SA, in an article published in "Das Archiv" characterized this function of SA as a mission to "reconstruct the military spirit in the German people."

3215-PS: Excerpt from "Das Archiv", Vol. 80, March 1939, p. 1834.

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The material used by SA in its function as propagandist agency for the Nazis was largely furnished by "Der SA-Mann". In fact the material appearing in that publication coincides so closely with the ideological approach of the Nazis during the period covered by the Indictment, and is of such great quantity, that this publication itself constitutes convincing evidence of the fact that SA was the principal propagandist instrument of theParty. The fact that it was intended that the philosophies reflected in these articles should be transmitted by SA members to the people of Germany is demonstrated in the introduction to a series of anti-Jewish articles entitled "Gravediggers of World Culture", (beginning in the issue of 5 December, 1936, p. 6) in which it is stated:

> "We suggest that the comrades especially take notice of this series of articles and to see that they are further circulated."

3050-PS: "Der SA-Mann" (p. 28 of English translation).

In addition, intensive campaigns were conducted to persuade the public to purchase and read "Der SA-Mann" and the various issues were posted in public places so that the general public might read them. "Der SA-Mann" itself contains several photographs which show particular issues posted upon street bulletin boards; and there are several photographs showing advertising displays, one of which, for example, reads as follows: "Der SA-Mann belongs in every house, every hotel, every inn, every waiting room, and every store. (31 October, 1936, p. 3) Further references to photographs of this sort will be found in Document 3050-PS, p. 21.

A number of the articles which were obviously designed to serve as propaganda material have been translated and are set forth in the document book. In other cases it has been deemed sufficient to translate merely the titles of articles, the titles in themselves being so descriptive that they disclose the nature and general substance of the articles. The articles have been classified as follows:

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1. Articles relating to the Nazi Lebensraum philosophy (For translations of titles and particular articles, see 3050-PS, pp. 1-2.)

2. Articles condemning the Versailles Treaty. (For translations of titles and particular articles, see 3050-PS, pp. 3,4).

3. Articles describing preparations for war, purportedly being carried on by other nations, (For translations of titles and particular articles, see 3050-PS, pp. 5, 6).

4. Articles on military experiences of German army in World War I. (For translations of titles and particular articles, see 3050-PS, p. 7).

   Note: Articles of this nature were doubtless used in the training of SA members in the "teachings of the German national history for the missions of our times." (See 2354-PS, p. 1).

5. Articles designed to create and foster an anti-Jewish attitude. (For translations of titles and particular articles, see 3050-PS, pp. 16-18).

6. Anti-Masonic Articles. (For translations of titles and particular articles, see 3050-PS, p. 19).

7. Articles designed to create and foster an anti-religious attitude (For translations of titles and particular articles, see 3050-PS, p. 20).

   Note: The titles and articles translated in Doc. 3050-PS do not constitute all of the articles appearing in "Der SA-Mann" which relate to the above subjects. They are simply typical of many similar articles which appear throughout the issues of that publication.

USE OF SA IN EARLY STAGES OF CONSPIRACY AS THE "STRONG-ARM" INSTRUMENT OF THE NAZI MOVEMENT.

As indicated in the foregoing section one of the prime functions of SA, at all stages of the conspiracy, was to carry to the people of Germany the ideology of the Nazis; but this involved -- particularly in the early stages of the Movement -- physical violence and brutality. As said by Hitler in "Mein Kampf":

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> "The Young Movement from the first day, espoused the standpoint that its idea must be put forward spiritually but that the defense of this spiritual platform must, if necessary, be secured by strong-arm means."

2760-PS: Hitler, "Mein Kampf", p. 598 (p. 4 of English translation).

In the early days of the Nazi Movement -- so that the Nazis better spread their fanatical philosophies -- the SA was employed as a terroristic group in order to gain for the Nazis "possession of the streets." The importance of this function is indicated by SA Sturmfuehrer Bayer as follows:

> "Possession of the streets is the key to power in the state -- for this reason the SA marched and fought. The public would have never received knowledge from the agitative speeches of the little Reichstag faction and its propaganda or from the desires and aims of the Party if the martial tread and battle song of the SA companies had not beat the measure for the truth of a relentless criticism of the state of affairs in the governmental system. They wanted the young Movement to keep silent. Nothing was to be read in the press about the labor of the National Socialists, not to mention the basic aims of its platform. They simply did not want to awake any interest in it. However, the martial tread of the SA took care that even the drowsiest citizens had to see at least the existence of a fighting troop."

In performing the above function, SA became the "mightiest instrument in the hands of the Fuehrer."

2162-PS: Pamphlet "The SA" (p. 3 of English translation).

Hitler defined this task as follows:

> "We have to teach the Marxists that the master of the streets in the future is National Socialism, exactly as it will once be the master of the State."

2760-PS: Hitler, "Mein Kampf", p. 608 (p. 8 of English translation).

Similarly, Lutze, in an article entitled: "Who fights against us we will defeat, who provokes us we will attack." (Der SA-Mann, 13 July 1935, p. 1) declares that the SA "reconquered the streets for the German people," and Goebbels referring to the work of the SA declared:

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> "....The inner-political opponents did not disappear due to mysterious unknown reasons but because the Movement possessed a strong-arm within its organization and the strongest strong-arm of the Movement is the SA"....

3211-PS: Das Archiv, Vol. 19, October 1935, p. 939.

Specific evidence of the activities of the SA during the early period of the Nazi Movement (1922-1931) is to be found in a series of articles appearing in "Der SA-Mann" entitled: "SA Battle Experiences which we will never Forget." Each of these articles is an account of a street or meeting hall battle waged by the SA against a group of political opponents in the early days of the Nazi struggle for power. These articles demonstrate that during this period, it was the function of SA to employ physical violence in order to destroy and subvert all forms of thought and expression which might be considered hostile to the Nazi aims or philosophy.

It has been impracticable to translate all of these articles but a number of the titles have been translated and it is believed that these are sufficiently descriptive to constitute evidence of the activities of the SA in the early stages of the Nazi Movement. These titles appear in the document book at pages 14-15 of Document 3050-PS.

As an example of the nature of these articles, one appearing in the Franken edition of "Der SA-Mann" for 30 October, 1937, p. 3., has been translated. It is entitled: "9 November 1923 in Nurnberg", and reads as follows:

> "We stayed overnight in the Coliseum. Then in the morning we found out what happened in Munich. 'Now a revolution will also be made in Nurnberg', we said. All of a sudden the police came from the Saxon Guard and told us that we should go home, that the Putsch in Munich failed. We did not believe that and we did not go home. Then came the State Police with fixed bayonets and drove us out of the hall. One of us then shouted "Let's go to the Cafe Habsburg!" By the time we arrived, however, the police again had everything surrounded. Some shouted then: "The Jewish place will be stormed ... Out with the Jews!" Then the police started to beat us up. Then we divided into small groups and roamed through town and wherever we caught a Red or a Jew we knew, a fist fight ensued.

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"Then in the evening we marched, although the police had forbidden it, to a meeting in Furth. During the promenade again the police attempted to stop us. It was all the same to us. Already in the next moment we attacked the police in our anger so that they were forced to flee. We marched on to the Giessmann Hall. There again they tried to stop us. But the Landsturm, which was also there, attacked the protection forces like persons possessed, and drove them from the streets. After the meeting we dissolved and went to the edge of town. From there we marched in close column back to Nurnberg. In the Will Street near the Placrrer the police came again. We simply shoved them aside. They did not trust themselves to attack, for what would a blood bath have meant? We decided beforehand not to take anything from anyone. Also in Furth they had already noticed that we were up to no good. A large mass of people accompanied us on the march. We marched with unrolled flags and sang so that the streets resounded: Comrade reach me your hand, we want to stand together, even though they have false impressions, the spirit must not die, Swastika on the steel helmet, black-white-red armband, we are known as Storm Troop (SA) Hitler!"

3050-PS: Excerpts from "Der SA-Mann" (pp. 14, 15 of English translation).

Through such means the SA was chiefly responsible for destroying all the political elements hostile to the Nazis, including "liberalism" and "capitalism". Thus in redefining the tasks of the SA, in an article entitled: "The SA Man in a New State" (Der SA-Mann, 6 January 1934, p. 1) it was declared:

"The new Germany would not have been without the SA man, and the new Germany would not exist if the SA man would now, with the feeling of having fulfilled his duty, quietly and unselfishly and modestly step aside or if the new State would send him home such like the Moors who had done his obligations.

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"That has been accomplished up until now, the taking over of the power in the State and the ejection of those elements which are responsible for the pernicious developments of the post war years as bearers of Marxism, liberalism, and capitalism are only the preliminaries, the spring-board for the real aims of National Socialism.

"Being conscious of the fact that the real National Socialist construction work would be building in an empty space without the usurpation of power by Adolf Hitler, the movement and the SA man as the aggressive bearer of its will primarily have directed all their efforts thereupon, to achieve the platform of continued striving and to obtain the fundamental for the realization of our desires in the State by force ....

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"....Out of this comes the further missions of the SA for the completion of the German revolution. First: To be the guaranty of the power of the National Socialist State against all attacks from without as well as from within:

Second: To be the high institute of education of the people for the living National Socialism.

Third: To build a bridge over which the present day German youth can march free and unhampered as first generation into the formed Third Reich...." (Underlining Supplied).

3050-PS: Excerpts from "Der SA-Mann" (pp. 25, 26 of English translation).

THE USE OF SA TO CONSOLIDATE POWER OF NAZIS

After the acquisition of Control of the German State by the Nazis, the SA participated in various measures undertaken by the Nazis to consolidate their control in Germany.

It was the function of the SA during this period to "clean up" all that was "womh cleaning up" and to be the "tool for strengthening the structure of the new State." "It was generally employed....where Communism and elements hostile to the State still insolently dared to rebel."

2160-PS: Pamphlet, "The SA", (p. 6 of English translation).

Thus, SA groups were employed to destroy political opposition by force and brutality where necessary. An example of this is the case of William F. Sollmon, a member of the Reichstag and editor-in-chief of a chain of anti-Nazi newspapers. On March 9, 1933, SA members went to his home and destroyed furniture and his personal records. Sollmon was taken to another building where he was tortured and beaten for several hours, after which he was taken to prison, where he was imprisoned overnight. The next day Sollmon left Germany.

3221-PS: Affidavit of William F. Sollmon.

Prior to the organization of the Gestapo on a national scale, local SA meeting places were designated as arrest points and SA members were employed in the taking into custody of communists and other persons who were actually or supposedly

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hostile to the Nazi Party. These persons were examined and if they were considered enemies of the Party they would be transferred to Gestapo Headquarters and to concentration camps.

1759-PS: Affidavit of Raymond H. Geist, former U. S. Consul in Berlin. (p. 5 of English translation)

The SA established and operated early concentration camps;

2824-PS: Excerpts from book entitled "Concentration Camp of Oranienburg" by Camp Commandant SA Sturmbannfuehrer Schafer.

and SA men participated in persecution and mistreatment of persons imprisoned therein. For example, in a report made to Hitler by the public prosecutor of Dresden concerning the proposed nolle prosse of one Vogel, who was accused of mistreatment of persons imprisoned in concentration camps, it was reported as follows:

"Vogel belongs to the Gestapo office of the province of Saxony since its foundation and is chief of Main section II, which formerly bore the title ZUB (Zentralstelle fur Umsturzbekampfung) (Central office for combating overthrow). In the process of combating efforts inimical to the State Vogel carried out several so-called borderland actions in the year 1933 in which a large number of politically unreliable persons and persons who had become political prisoners in the border territories were taken into protective custody (Schutzhaft) and brought to the Lohnstein protective custody camp. In the camp serious mistreatment of the prisoners has been going on at least since summer of 1933. The prisoners were not only, as in protective custody camp Brodow near Stettin, beaten into a state of unconsciousness for no reason with whips and other tools but were also tortured in other ways, as for instance with a drip-apparatus especially constructed for the purpose, under which the prisoners had to stand so long that they came away with serious purulent wounds of the scalp. The guilty SA-leaders and SA-men were sentenced to punishments of 8 years to 9 months of imprisonment by the main criminal court of the provincial court in Dresden of 15 May 1935 (16 SFA. 3431.34). Vogel, whose duties frequently brought him to the camp, took part in this mistreatment, insofar as it happened in the reception room of the camp during completion of the reception formalities, and in the supply room, during issuing of the blankets. In this respect it should be pointed out that Vogel was generally known to the personnel of the camp - exactly because of his function as head of the ZUB - and his conduct became at least partly a standard for the above-named conduct of the SA leaders and men.

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"One of the border actions took place on 3 August 1933. Vogel had ordered the arrest of the persons who were brought to the camp at that time, and therefore also had responsibilities relative to their proper treatment. On account of the large number of those who were brought in, a pay office of the administration building in the lower castle yard was adapted as a makeshift reception room to help dispose of the formalities. The reception was being taken care of by Truppfuhrer (T/Sgt) Felix Sikora. He hit every incoming person without cause violently across the face with a steel ruler, so that it resounded loudly. In addition the prisoners, when brought in, were spoken roughly and at the same time beaten, partly even literally rushed into the room. Vogel stayed in the reception room a long time and watched these proceedings without doing anything about them. In his presence, for instance, the SA-man Lutze dealt with such blows to one man, without provocation, that he turned around on himself. As already stated, Vogel not only took no steps against this treatment of the prisoners, but he even made jokes about it and stated that it amused him the way things were popping here.

"In the supply room Vogel himself took a hand in the beating and the general severe mistreatment. The SA men there employed whips and other articles and beat the prisoners in such a manner that serious injuries were produced, the prisoners partly became unconscious and had to lie in the dispensary a long time. Vogel was often present in the supply room during the mistreatment. At least in the following cases he personally laid violent hands upon prisoners.

"On 12 November 1933 Vogel arrived at the camp together with Regierungsrat Dr. Wolf from Leipzig and again entered the chamber. On this day several prisoners were brought in. Vogel pointed out one of the prisoners to the SA-men present in the room, among whom were Stumann Walter Rohrdorf, Truppfuhrer Herbert Meier, and Truppfuhrer Georg Lehmann, and declared, in effect, that this man "Should get his ass particularly full". He also stated that the prisoner had offended or threatened one of his people. Upon this invitation the prisoner was laid across the counter in the usual manner, held fast by the head and arms, and then beaten for a considerable time by the SA men with whips and other articles. Along with this Vogel himself took part in the beating for a time, and after this mistreatment slapped him again, so that the prisoner appeared green and blue in the face. The prisoner is the tinsmith Hans Kuhitz, who bore the nickname Johnny. Upon his departure Vogel gave the head of the supply room, Truppenfuhrer Meier from 5 to 6 reichsmarks with the stated reason that the SA men "had sweated so". The money was then distributed by Meier to those SA-comrades who had taken part in the mistreatment.

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787-PS: Memorandum to Hitler from Public Prosecutor of Dresden dated 13 June 1935.

Likewise, SA participated in the seizure and dissolution of the German trade unions in 1933, a measure taken by the Nazis under the direction and supervision of Robert Ley. In a circular distributed by Ley with respect to the procedure to be followed in this program, it was provided that trade union properties should be seized and that certain union officials should be taken into custody, and that /

> "SA, as well as SS, are to be employed for the occupation of trade union properties and for the taking into protective custody of personalities who come into question."

392-PS: Official NSDAP circular entitled "The Social Life of New Germany with Special Consideration of the German Labor Front", by Prof. Willy Muller (Berlin, 1938); concerning SA activities in connection with seizure of trade union properties.

The SA also participated extensively in the Jewish persecutions conducted by the Nazis. For example, on the morning after the Nazi acquisition of power, SA groups roamed the streets of Berlin seizing and beating Jewish persons and other political opponents of the Nazi Party. Thereafter SA men participated in many attacks of physical violence upon Jews, including American Jewish citizens. In addition, uniformed SA men were employed as a display of threatening force in order to coerce Jewish persons to dispose of their property at greatly reduced value.

1759-PS: Affidavit of Raymond H. Geist, former U. S. Consul in Berlin, (pp. 5, 10, 12).

And the SA participated in the Jewish pogrom of 10, 11 November 1938. This is established by a report prepared and submitted by a SA brigade unit reading as follows:

> "TO: SA Group Electoral Palatinate (Kurpfalz)
> MANNHEIM
>
> "On the order of the Gruppenfuehrer, all the Jewish synagogues within the 50th Brigade are to be blown up or set on fire immediately."

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> 'Neighboring houses occupied by Aryans are not to be damaged. The action is to be carried out in civilian clothes. Rioting and plundering are to be prevented. Report of execution of orders to reach Brigade Fuehrer or office by 8.30."
>
> "I immediately alerted the Standartenfuehrer and gave them the most exact instructions; the execution of the order began at once.
>
> "I hereby report that the following were destroyed in the area of:" (The Document continues by listing approximately 35 synagogues which had been destroyed.)

The document also reports the "protective arrest" of many Jewish persons.

1721-PS: Confidential report of SA Brigade Fuehrer to SA Group, dated 29 November 1938.

In addition to instances of physical violence against the Jews, SA performed, in connection with the Nazi persecutions of Jewry, the very important function of creating and fostering anti-Jewish sentiment among the people of Germany, without which the monstrous mistreatment of the Jews could never have been tolerated. Evidence concerning the activities of SA in this respect is discussed supra at pp. 7 to 11 .

PARTICIPATION OF SA IN AGGRESSIVE WARFARE

The Nazis delegated to SA the responsibility for the training of the youth of Germany in the technique of war. Referring to SA's task in this respect, Hitler, in "Mein Kampf" spoke as follows:

> "Give the German Nation six million perfectly trained bodies in sport, all fanatically inspired with the love for the Fatherland and trained to the highest offensive spirit and a National Socialist State will, if necessary, have created an Army out of them in less than two years."

3215-PS: Excerpt from Das Archiv, Volume 60, March 1939, p. 1934, (p. 1 of English translation).

Military Character of SA

The military character of SA is demonstrated by its organizational composition. At an early date it was organized into units closely corresponding to those of the German army.

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The organizational scheme consisted of divisions, regiments, battalions, companies, platoons, and squads. In addition, there were special units or branches, including cavalry, signal corps, engineer corps, and medical corps, as well as three officer training schools. S.A. members were distinctive uniforms adapted to military functions, bore arms, and engaged in drilling, forced marches, and other military exercises.

2168-PS: Pamphlet, "The S.A.", (p. 7-16 of English Translation). See also chart on inside cover of document book, showing organizational plan of S.A. See also photographs in "Der S.A.-Mann" showing military exercises conducted by S.A., listed at pages 11-13 of 3050-PS.

Similarly, S.A. members were governed by "General Service Regulations", which closely resembled Army Service Regulations. These regulations emphasize the importance of discipline, providing that

> "Discipline and obedience are the foundations as strong as steel for each military unit."

The regulations further provide for punishments -- designating them as penal regulations -- for disobedience of orders and infractions of the regulations. The punishments which are provided demonstrate the militaristic character of S.A., and include the following:

Reprimand in private;
Reprimand in presence of superiors and announcement thereof at formations;
Prohibition of right to wear the service uniform;
House arrest;
Arrest and confinement in jail;
Demotion in rank;
Prohibition of right to carry weapon.

2020-PS: General Service Regulations for the S.A.

Secrecy of Military Training Program during its early stages

Preparation for war through the S.A. training program was commenced in Germany as early as 1933 but the scope of the program was not made public because of the fact that it constituted a violation of the Treaty of Versailles. (See supra p.). The secrecy with which the program was conducted is shown by the following order from the Chief of Staff of S.A. dated 25 July 1933:

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"Further to my instruction Z II 1351/33 dated 11 July 33, I find cause to ask all SA authorities to exercise the greatest caution with regard to any publicity given to the SA service not only in the press, but also in the information and news sheets of the individual SA units.

"Only during the last few days, the Reich Ministry of the Interior, at the request of the Foreign Office, has given strict instructions to all Reich authorities according to which the most severe control is to be exercised on all publications which might give other countries an opening to construe German infringements of the terms of the Versailles Treaty.

"As is known from the Geneva negotiations, our opponents have piled up material collected in Germany and submitted to them, which they use against us on every occasion during the conferences.

"From this point of view, the information sheets circulating among the subordinate SA units cause the liveliest concern. I hold all higher SA leaders responsible that any such internal information sheets appearing in the district of their command are submitted to the most stringent control before they go into print, and I feel compelled to draw attention to the threat of a prosecution for treason, pronounced by official instructions issued in the last few days, in cases where such reports, printed no doubt in good faith, are publicized and therefore exposed to the danger of falling into the wrong hands.

"On principle, pictures of the technical specialized units of the SA and SS, in particular of the signals, motorized and possibly also of the air wings which now exist outside those formations, are forbidden, such pictures enabling other countries to prove the alleged formation of technical troop units."

D-44: Circular distributed by Supreme SA Headquarters, dated 25 July 1933.

Similarly, in providing for the assignment of a Wehrmacht officer to the SA, in January 1934, to assist in the SA training program it was provided:

"For the purpose of disguise Lt. Col. Aulob will wear SA uniform with insignia of rank according to more detailed regulations of the Supreme SA leaders."

2223-PS: Copy of memorandum of SA Headquarters, dated January 1934, concerning assignment of a Wehrmacht officer to the Training Division of the SA.

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The SA Sports Program

The military training program of the SA was for many years conducted under the guise of a "Sports Program". This plan was created by Hitler as early as 1920 by the founding of the "National Socialist Sport Troop (SA)." The true nature of the so-called sport program, however, is indicated by Hitler's declaration at the time of its creation, as follows:

> "The (Sport Troop - SA....is but the bearer of the military thought of a free people."

3215-PS: Excerpt from Das Archiv, Vol. 30, March 1939, (p. 1334) (p. 1 of English Translation)

That the so-called sports program was in reality closely associated with, and, in fact, a means of providing military training for German youth, is shown by the following characterization of the program by Lutze, the Chief of Staff of SA, in an article written in 1938.

> "....This goal setting also served for the decrees of the Fuehrer to the SA of 1935 regarding the renewing of, in 1936 regarding the evaluation of, in 1937 regarding the yearly repetitive exercises of the SA sport badge. Parallel to this decree of the Fuehrer for the physical betterment and military training the organizational and development missions within the SA were met. Out of the conception that the preservation and intensification of the military power of our people must especially be requested by military and physical exercises, the training was especially carried out systematically in these fields. In 25 schools of the troop and in 3 Reichsfuehrer schools of the SA yearly 22000 to 25000 officers and non-coms were trained since 1934 in special educational courses until they possessed the education and examination certificates. In clearly outlined training directives the training goals which had to be achieved yearly were given and at the same time the yearly Reich competitive contests were established. Hand in hand the training of the Fuehrer Corps and corresponding organizational measures and the training at the front proceeded on the broadest basis."

3215-PS: Excerpt from Das Archiv, Vol. 30, March 1939, p. 1334. (p. 2 of English translation)

Similarly, the military nature of the sports program is demonstrated by the tests and standards required for obtaining the sports award. The Organization Book of the Party lists these tests as follows:

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"The performance test includes three groups of exercises:

Body exercises,
Military sports
Topographical (naval) services.

Group I: Body exercises;
100-meter race,
Broad jump,
Shot-put,
Throwing of hand grenades,
3000-meter race.

Group II: Military sports;
25-Kilometer march with pack,
Firing of small-caliber arms,
Aimed throwing of hand grenades,
200-meter cross-country race with gas masks over 4 obstacles,
Swimming or bicycle riding,
Basic knowledge of first aid in case of accidents.

Group III: Terrain service;
Orientation,
Terrain observation
Estimate of terrain
Estimate of distance
Camouflage
Observing and reporting
Utilization of terrain and general behavior in terrain service."

2354-PS: Organizationsbuch der NSDAP, 1938 edition, pp. 364, 369. (p. 2 of English translation).

In 1939 the SA Sports Program was formally recognized in a decree issued by Hitler as a military training program and SA was openly declared to be an agency for pre and post military training -- that is, for military training prior to and following military service in the Wehrmacht. This decree provided in part as follows:

"Der Fuehrer. In amplification of my decree of the 15th February 1935, and 18th March 1937, regarding the acquisition of the SA sport insignia and the yearly repetitive exercises, I lift the SA sport insignia to the SA military insignia and make it as a basis for pre-imposed military training.

"I designate the SA as standard bearer of this training.

"Those soldiers who honorably were discharged out of the active military service and who were serviceable soldiers are to be placed into the Army ranks for the retaining of their spiritual and physical energy and to be attached to the SA insofar as no other organization of the Party (the SS, NSFK, and SFK) have received them for special training.

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In these they experience the military improvement on the basis of the SA military insignia."

2383-PS: Ordinance for the execution of Hitler decree of 16 January 1942. (p. 11 of English translation).

Expansion of Sports Program by SA throughout youth of Germany.

The military training program of SA was not confined to its members. Until 1939 the SA sponsored sport badge associations, into which it enlisted the participation of the entire youth of Germany. Thus the Chief of Staff of SA, in re-establishing the sports program in 1935, declared:

"In order to give conscious expression to the fostering of a valiant spirit in all parts of the German people, I further decide that this SA Sport Insignia can also be earned and worn by persons who are not members of the movement, inasfar as they comply racially and ideologically with the National Socialist requirements."

2354-PS: Organisationsbuch der NSDAP, 1938 edition, p. 309, (p. 2 of English translation).

Responsibility of conducting this nationwide program was lodged in the operational main office of the SA. It was the duty of this office to:

"Prepare the fighting training of the bodies of all Germans capable of bearing arms (Wehrfahig) and as preparation therefor must organize the execution of corporal exercises (basic physical training) and sports achievements, so that the widest stratum of the population is laid hold upon and will be kept in condition to bear arms (Wehrtuchtig) both physically and spiritually, as well as ideologically in character up to greatest old age."

2168-PS: Pamphlet, "The SA" (p. 8 of English translation)

The extent and scope of this program is described by Lutze as follows:

"Next to the companies of the SA were the sport badge associations (SAC) in which all the militaristic nationals entered who were prepared to voluntarily answer the call of the SA for the preservation of military proficiency. Up until now around 800,000 nationals outside of the SA could successfully undergo the physical betterment as well as the political military training of the SA on the basis of the SA sport badge.

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"As pronounced proof hereforo it may be shown that alone 13,400 officers and around 30,000 non-coms in the Reserve Corps of the Wehrmacht from its (the SA) own ranks stand at the disposal of the SA and can be employed at any time for the direction of SA military forces..."

3215-PS: Excerpt from "Das Archiv", Vol. 60, March 1939, p. 1634.

In 1939 the extension of the SA sports program to non-SA members was officially recognized by Hitler, in a decree changing the "sports insignia" to a "military insignia" as follows:

"Every German man who has completed his seventeenth year and who shows preliminary requirements for honorary service with the weapon, has the customary duty to win the SA military insignia in preparation for military service.

"During the years in the Hitler Youth following his sixteenth year, he is to prepare himself for the winning of the SA military insignia."

2393-PS: Ordinance for execution of Hitler decree of 16 January 1942. (p. 11 of English translation).

Detailed Nature of SA Military Training Program.

The military training program of the SA embraced practically every phase of military training technique and practice. This is particularly demonstrated by a consideration of the articles with respect to military training which appear throughout the issues of "Der SA-Mann". The titles of these articles indicate their substance. Examples of such titles are as follows:

"Defense Platoon and the Company in Battle". (with diagrams). 27 January, 1934, p. 10.

"Die Luftwaffe", (with diagrams on Aircraft Gunnery). 3 February, 1934, p. 7.

"Pistol Shooting". 17 February, 1934, p. 7.

"We go into the Terrain", (relating to map study and map symbols). 24 March, 1934, p. 7.

"The Air Protection Primer", (with diagrams). 7 April, 1934, p. 7.

"What every SA Man must know about Aviation". 21 April, 1934, p. 13.

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"Expert firing in German National Sport", (relating to small caliber firing), 12 May 1934, p. 7.

"Chemical Warfare". 19 May, 1934, p. 13.

"What every SA Man should know about Aviation". 19 May, 1934, p.12.

"Modern Battle Methods in the View of the SA Man". 2 June, 1934, p. 14.

"The Significance of Tanks and Motors in Modern War". 4 August, 1934, p. 13.

"The Rifle 98". 8 September, 1934, p. 7.

"The Combat Battalion", (with description of tactical missions and maneuvers of the battalion) 15 September, 1934, p. 7.

"The Pistol 08", (with diagram of the pistol, its nomenclature and field stripping). 6 October, 1934, p. 7.

"The Defense", with subheading "What does the War of Tomorrow look like?" 1 December, 1934, p. 13.

"Construction and Composition of various units of the Modern Army", written by a Brigadier General in the Wehrmacht -- beginning 26 January, 1935, p. 15, and ending 20 April, 1935, p. 16.

"Armies of Tomorrow". (Discussion of anticipated developments in motorized and mechanized warfare. One section of the article is devoted to "Plans of foreign countries with respect to motorized armies"). 30 March, 1935 p. 14.

"From Work to the Dreyse Machine Gun". 21 December, 1935, p. 6.

3050-PS: P. 8-10 of English translation. (These pages contain further titles of articles not listed above).

Similarly, the issues of "Der SA-Mann" contain many photographs portraying SA men in military exercises including forced marches, battle maneuvers, obstacle runs, small caliber firing, and so on. A list of such photographs is included in the list of articles and photographs which portray SA military activities, at pp. 11-13, Document 3050-PS.

Cooperation between SA and Wehrmacht

At all times the SA military training program was carried on with the close cooperation of the Wehrmacht.

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For example, in January 1934 it was provided that the S.A. Chief of Training and his subordinates should remain "in direct touch with the respective offices and sections of the Reich Defense Ministry". Simultaneously, a lieutenant colonel of the Wehrmacht was assigned to S.A. with the duty of participating "in all questions regarding training and organizations..."

2823-PS: Copy of memorandum of S.A. Headquarters, dated January 1934, concerning assignment of a Wehrmacht officer to the Training Division of the S.A.

In March 1934 it was declared that "permanent liaison between the Reich Defense Ministry and the Supreme Commander of the S.A.....has been assured", and "collaboration" between the central offices of the Wehrmacht and the S.A. was provided for.

2821-PS: Memorandum from Supreme S.A. Headquarters, dated 19 March 1934, concerning organization of S.A. and collaboration between Wehrmacht and S.A.

And in 1939 Hitler, in designating the S.A. as the agency for pre and post military training declared:

> "The requirements of the Wehrmacht are to be taken into consideration in organization and training.
>
> "The Chief of Staff of the S.A. releases the required executionary directives in agreement with the Commander in Chief of the Wehrmacht units. He alone is responsible for the fulfillment."

2383-PS: Ordinance for execution of Hitler decree of 16 January 1942. (P. 11 of English translation).

The special units of S.A. afforded a means for close cooperation with the technical and specialized branches of the Wehrmacht; and that this means for collaboration and specialized training was utilized to the utmost is shown by the following declaration of Lutze, Chief of Staff of S.A.:

> "In the course of this development also special missions for military betterment (program) were placed on the S.A. The Fuehrer gave the S.A. the cavalry and motor training and called S.A. obergruppenfuehrer LITZMANN as Reich Inspector with the mission to secure the cavalry recruits and requirements for the German Wehrmacht through the S.A. In close cooperation with parts of the Wehrmacht special certificates were created for the communication, engineer and medical units which, like the cavalry certificate of the S.A., are valued as statement of preference for employment in said units."

3315-PS: Excerpt from Das Archiv, Volume 30, March 1939, p. 1234. (p. 2 of English translation).

The specialized training given SA members, in accordance with the requirements of technical branches of the Wehrmacht, is described by SA Sturmfuehrer Bayer as follows:

> "On one side the young SA man who enters the armed forces (Wehrmacht) from his branch, comes prepared with a multitude of pre-requisites which facilitate and speed up training in technical respects; while on the other side those very soldiers, having served, who return out of the armed forces into the SA keep themselves, by constant practise, in a trained condition physically and mentally and impart their knowledge to their fellows.
>
> "Thus they contribute a considerable portion to the enhancement of armed strenght (Wehrkraft) and armed spirit (Wehrgeist) of the German people".

And, with respect to the mounted or cavalry SA:

> " ... the SA each year is able to furnish many thousands of young trained cavalrymen to our Wehrmacht .... At present the SA cavalry has at its disposal 101 cavalry units in whose schools, year in and year out, young Germans who are obligated for military service receive the training which fits him for entrance into a section of troops which is of their own choosing".

2168-PS: Pamphlet, "The SA" (P. 13-14 of English translation).

The close relationship between the SA and the Wehrmacht is shown throughout the issues of "Der SA-Mann". There are a number of articles on military training which were written by Wehrmacht officers. The same relationship is shown in many photographs. For example, in the issue of 1 May 1937 at page 4 there is a picture of a Wehrmacht formation drawn up in front of an SA building with SA officers and men in the background, the picture being entitled:

> "Day after day the closed formations of the Wehrmacht march in Wurzburg to the subscription places of the SA for thanksgiving to the nation in order to announce its close relation with the SA, and to express thanks to the Fuehrer for making the Reich capable of defense."

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Similarly, in the issue of 27 January 1939, on page 2, there appears a photograph of the SA Chief of Staff Lutze, addressing a group of SA men. The photograph bears the caption: "We will be the bridge between the Party and the Wehrmacht."

And in the issues of 3 February 1939 at page 3, there appears a picture of General von Brauschitch, and Chief of Staff Lutze reviewing an SA unit.

The close cooperation between the Wehrmacht and the SA, and the significance of the SA military training program is demonstrated by the fact that service in the SA was considered as military service under the Conscription Law of 1935. To this effect the Organization Book of the Nazi Party declares:

> "Equally significant is a suitable education and training which the SA has accomplished within the yearly classes, and which have satisfied their arms obligation."

3220-PS: Excerpt from Organisationsbuch der NSDAP, 1943 edition, p. 358.

Similarly:

> "It was announced that conscripted SA men and Hitler Youths can fulfill their military conscription in the SA Regiment "Feldherrnhalle" whose commander is General Field Marshall SA Obergruppenfuehrer GOERING. The regiment for the first time was employed as Regiment of the Luftwaffe in the occupation of the Sudetenland under its Fuehrer and Regimental commander SA Gruppenfuehrer REINHARDT."

3214-PS: Excerpt from Das Archiv, Volume 55, October, 1938, p. 1069.

Participation of SA in Acts of Aggressive Warfare.

There was never any misunderstanding among SA men as to the reasons which lay behind their military training program. They were preparing for war and knew it. The purpose of the so-called "Sports Program" was announced time after time in articles in "Der SA-Mann". For example, in the introduction to an article entitled "The War of Tomorrow", which appeared in the issued of 6 July 1937, at page 12, it was declared:

> "By decree of the Fuehrer of 18 March, 1937, the SA Sport Badge was declared as a means for the aggressive training of the body, for the fostering of a military spirit, for the retaining of military efficiency and thereby as a basis for German military power ....

The SA

"...In the following article an attempt is made to occupy every SA Fuehrer, who does not have the opportunity due to their profession or many-sided SA services, with questions concerning military policy and modern war direction, to give him an overall view of facts, teachings, opinions and beliefs which today are not without decisive influence upon the military policy, upon the character of the coming war and upon the modern national defense. (underlining supplied)

3050-PS: p. 12 Of English Translation.

In view of the above we would expect the SA to have been used as a striking force in the first steps of the aggressive warfare launched by Germany and as a basis for so-called Commando Groups. And such was the case. SA units were among the first of the Nazi military machine to invade Austria in the spring of 1938, as was proudly announced in an article appearing in "Der SA-Mann" for 10 March 1938, p. 10, entitled: "We were the First!"

3050-PS: p. 31

Similarly, the Feldherrnhalle Regiment of the SA "was employed as a regiment of the Luftwaffe in the occupation of the Sudetenland under its fuehrer and regimental commander, SA Gruppenfuehrer Reimann.

3214-PS: Excerpt from Das Archiv, Vol. 55, October 1938, p. 1068.

Likewise in the fall of 1938, during the occupation of the Sudetenland, SA men were used as a basis for the organization of the so-called Free Corps, corps of fighting bands which were "supposedly composed of refugees from the Sudetenland who had crossed the border into Germany" but which "actually contained Germans with previous service in the SA and NSKK....". In addition, some of the equipment furnished to the Free Corps, was supplied by the SA.

3033-PS: Affidavit of Gottlob Berger, former Oberfuehrer in the SS, assigned as SS Liaison Officer with the Sudeten-German Free Corps.

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FUNCTION OF S.A. DURING THE WAR

The principal functions of SA during the war were as follows:

1. To carry out the pre-military training program.

3219-PS: Excerpt from Das Archiv, Volume 125, August 1944, p. 367.

2. To perform State and National guard duty.

3219-PS: Idem.

3. To provide "Fuehrer Corps" for the Wehrmacht.

4. To perform various functions (including the supervising of forced laborers) in occupied areas.

3219-PS: Idem.
3216-PS: Excerpt from Das Archiv, Volume 97, April 1942, p. 54
3232-PS: Affidavit of Walter Schellenberg.

5. To supervise forced laborers in Germany.

3232-PS: Idem.

6. To guard concentration camps and prisoner-of-war camps.

3232-PS: Idem.

ACTS IN FURTHERANCE OF THE CONSPIRACY PERFORMED BY THE DEFENDANT GOERING IN HIS CAPACITY AS SA LEADER AND FÜHRER.

The defendant Goering was one of the early leaders of the SA and in 1923, upon orders from Hitler, reorganized the SA and became its Commander.

2162-PS: Pamphlet "The SA" (p. 2. of English translation).

In November 1923 Goering, as the head of the SA, took part in the attempted overthrow of the Government in Munich.

2532-PS: Book entitled "The Third Reich" by Gerd Rühle (p. 2 of English translation).

Goering's intention to employ the SA as a terroristic force, and threat of force, to destroy political opponents is shown by a speech made by him on 3 March 1933 at a Nazi demonstration in Frankfurt Am Main. Goering spoke in part as follows:

> "Certainly, I shall use the power of the State and the police to the utmost, my dear Communists! So you won't draw any false conclusions; by the struggle to the death, in which my fist will crush your necks, I shall lead with those down there -- those are the Brown Shirts."

1856-PS: Excerpt from book entitled "Hermann Goering, Speeches and Essays". (Published by Central Publishing House, NSDAP).

In February 1933 Goering was made Prussian Minister of the Interior, and he later became Minister-President of Prussia. Acting in such capacities, he ordered the police forces of Prussia to render unqualified assistance to para-military organizations such as the SA, and, further, to crush all political opposition with firearms, regardless of consequences.

> Directive of 10 February, 1933, Ministerialblatt fur die Preussische innere Verwaltung 1933, p. 148; directive of 17 February, 1933, id, p. 169.

Goering participated in the purge of SA leaders in June 1934, having the responsibility of carrying out the purge in the Berlin area.

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2407-PS: Voelkischer Beobachter, South German Edition, issue for 2 July 1934, p. 2.

The importance of the activities of SA, while under the leadership of Goering is shown by its characterization as "the most reliable instrument of the Movement."

3252-PS: Book entitled "Hermann Goering, The Man and his Work", by Eric Gritzbach. 1942 edition, p. 31.

Similarly, expressing the importance of SA to the Nazi Movement, Hitler wrote Goering as follows:

"My dear Goering:

> When in November 1923 the Party tried for the first time to conquer the power of the State, you as Commander of the SA created within an extraordinarily short time that instrument with which I could bear that struggle. Highest necessity had forced us to act, but a wise providence at that time denied the success. After receiving a grave wound you again entered the ranks as soon as circumstances permitted as my most loyal comrade in the battle for power. You contributed essentially to creating the basis for the 30th of January. Therefore, at the end of a year of the National Socialist Revolution, I desire to thank you wholeheartedly, my dear Party Comrade Goering, for the great values which you have for the National Socialist Revolution and consequently for the German people.
>
> In cordial friendship and grateful appreciation.
>
> Yours,
>
> Adolf Hitler!"

3252-PS: Book entitled "Hermann Goering, The Man and his Work", by Eric Gritzbach. 1942 Edition, p. 60.

On 1 December 1937, Goering became Obergruppenfuehrer of the Feldherrnhalle Regiment of the SA. This regiment participated in the occupation of the Sudetenland. (see supra p. 30)

2162-PS: Pamphlet "The SA", (p. 14 of English translation).

The various issues of "Der SA-Mann" contain photographs demonstrating Goering's participation in SA activities and events, including military activities constituting preparation for war. Examples of such photographs are listed in Document 3050-PS, p. 23.

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CONCLUSIONS

It will be clearly apparent, from other briefs being submitted by the prosecution staff, that the defendants and their co-conspirators, during the period from 1921 to 1945, engaged in a continuing conspiracy; and that, as alleged in the Indictment (IV B), the objectives of this conspiracy were to abrogate and overthrow the Treat of Versailles and to unlawfully acquire territories in continental Europe and elsewhere. The evidence discussed in such other briefs likewise establishes that the defendants and their co-conspirators, in carrying out the said objectives, committed acts which constitute Crimes Against the Peace, War Crimes, and Crimes Against Humanity, as defined in Article 6 of the Charter.

The evidence considered in the foregoing sections of this brief demonstrates the participation of SA, as an organization, in the aforesaid conspiracy. Thus, it is shown that the SA was first employed by the conspirators to destroy, by force and brutality, all opponents of National Socialism and to gain "possession of the streets." (p. 11 to p. 15). Thereafter, upon the seizure of control by NSDAP, SA was used to consolidate and strengthen Nazi power, and to cruelly persecute and destroy all so-called "enemies" of the State, including Jewry and the Church (p. 15 to p. 18); and during the period from 1934 to 1939, the SA was employed for the actual preparation and training of the German people for war, and for participation in aggressive warfare (p. 19 to p. 30).

Finally, SA was, at all times, employed by the conspirators to promote and disseminate the ideology of the Nazi movement throughout Germany, and particularly to perform the function of disseminating anti-Jewish propaganda and creating and fostering a militaristic and warlike spirit among the people of Germany. (pp. 7 to 11).

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Thus, at all times during the course of its existence, the functions of the SA corresponded to and were designed to promote the progression of the conspiracy through its various phases; and the conclusion is irresistible that SA was an organization devoted exclusively to the task of assisting the defendants and their co-conspirators in carrying out the objectives of the conspiracy alleged in Count I of the Indictment. Thus, in this sense, SA, as well as its members, were in fact co-conspirators, and participants in a conspiracy which contemplated and involved Crimes Against the Peace, Crimes Against Humanity, and War Crimes.

The foregoing summary of evidence likewise establishes that the defendant Goering, acting in his capacity as an SA member and leader, participated in the conspiracy alleged in Count I of the Indictment, and committed overt acts in furtherance thereof. These overt acts constituted and included Crimes Against Humanity, Crimes Against the Peace and War Crimes.

Accordingly:

1. The SA is an organization, in the sense in which that term is used in Article 9 of the Charter.

2. It was, at all times, the exclusive design and purpose of SA to participate in and aid the carrying out of a conspiracy which contemplated and involved the commission of the crimes defined in Article 6 of the Charter.

3. The defendant Goering, acting in his capacity as an SA member and leader, participated in the conspiracy alleged in Count I of the Indictment, and committed overt acts in furtherance thereof. These overt acts constituted and included Crimes Against Humanity, Crimes Against the Peace, and War Crimes.

It is submitted, therefore, that SA, by reason of its aims and the means used for the accomplishment thereof, is, and should be declared, a criminal organization, in accordance with Article 9 of the Charter.

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Respectfully submitted:

ROBERT G. STEPHENS, JR.
Major, Infantry
U. S. Army

CHARLES S. DURDELL

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INTERNATIONAL MILITARY TRIBUNAL

TRIAL BRIEF

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OF THE NATIONAL SOCIALIST GERMAN
LABOR PARTY

ROBERT H. JACKSON
U.S. CHIEF OF COUNSEL

OF COUNSEL: MAJOR ROBERT G. STEPHENS, JR.
CHARLES S. BURDELL

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